

ORDER SUMMARY – Case Number: C-17-2183

Name: Benjamin Reuben Leske

Order Number: C-17-2183-17-FO01

Effective Date: 8/10/17

NMLS Identifier: 229234

Prohibited Until: From both Consumer Loan Act and Mortgage Broker Practices Act until Mr. Leske meets the licensing eligibility requirements under those Acts.

As he plead guilty to a felony charge of making a false statement on a loan application, it is unlikely Mr. Leske will ever meet the licensing eligibility requirements.

Investigation Costs:	\$ 0	Due: N/A	Paid: N/A	Date: N/A
Fine:	\$ 0	Due: N/A	Paid: N/A	Date: N/A

Comments:

1 **STATE OF WASHINGTON**
2 **DEPARTMENT OF FINANCIAL INSTITUTIONS**
3 **DIVISION OF CONSUMER SERVICES**

4 IN THE MATTER OF DETERMINING ELIGIBILITY
5 for licensure under the Consumer Loan Act of
6 Washington and the Mortgage Broker Practices Act of
7 Washington of:

No. C-17-2183-17-FO01

FINAL ORDER

8 BENJAMIN REUBEN LESKE,
9 Mortgage Loan Originator, NMLS #229234,

Respondent.

10 **I. DIRECTOR'S CONSIDERATION**

11 A. Default. This matter has come before the Director of the Department of Financial Institutions of the State
12 of Washington (Director), through her designee, Consumer Services Division Director Charles E. Clark
13 (Director's designee), pursuant to RCW 34.05.440(1). On June 19, 2017, the Director, through the Director's
14 designee, issued a Statement of Charges and Notice of Intent to Enter an Order to Prohibit from Industry and
15 Recover Costs and Expenses of Prosecution (Statement of Charges) against Benjamin Reuben Leske
16 (Respondent). The Statement of Charges was accompanied by a cover letter dated June 21, 2017, a Notice of
17 Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for
18 Respondent (collectively, accompanying documents).

19 On June 21, 2017, the Department served Respondent with the Statement of Charges and accompanying
20 documents by First-Class mail. In addition, on June 21, 2017, the Department deposited a copy of the Statement
21 of Charges and accompanying documents with Federal Express overnight delivery. The United States Postal
22 Service never returned to the Department the Statement of Charges and accompanying documents served on
23 Respondent by First-Class mail. On June 22, 2017, Federal Express delivered the copy of the Statement of
24 Charges and accompanying documents sent by the Department to Respondent via overnight delivery.

25 Respondent did not request an adjudicative hearing within twenty calendar days after the Department served
the Statement of Charges and accompanying documents as provided for in WAC 208-08-050(2).

1 B. Record Presented. The record presented to the Director's designee for his review and for entry of a final
2 decision included the Statement of Charges, cover letter dated June 21, 2017, Notice of Opportunity to Defend
3 and Opportunity for Hearing, and blank Application for Adjudicative Hearing for Respondent, along with
4 documentation of service.

5 C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(1), the Director's designee hereby
6 adopts the Statement of Charges, which is attached hereto and incorporated herein by this reference.

7 **II. FINAL ORDER**

8 Based upon the foregoing, and the Director's designee having considered the record and being otherwise fully
9 advised, NOW, THEREFORE:

10 A. IT IS HEREBY ORDERED, That:

- 11 1. Respondent Benjamin Reuben Leske is prohibited from participation in the conduct of the
12 affairs of any consumer loan company or mortgage broker subject to licensure by the Director,
13 in any manner, until he meets the licensing eligibility requirements of the Consumer Loan Act
14 or the Mortgage Broker Practices Act.

14 B. Petition for Reconsideration. Pursuant to RCW 34.05.470, within ten (10) days of service of the Final
15 Order upon Respondent, Respondent has the right to file a Petition for Reconsideration with the Department
16 stating the specific grounds upon which relief is requested. The Petition must be filed in the Office of the Director
17 of the Department of Financial Institutions either by courier at 150 Israel Road SW, Tumwater, Washington
18 98501, or by U.S. Mail at P.O. Box 41200, Olympia, Washington 98504-1200. A Petition for Reconsideration
19 shall not stay the effectiveness of this Final Order, nor is a filing a Petition for Reconsideration a prerequisite for
20 filing a Petition for Judicial Review in this matter.

21 A timely-filed Petition for Reconsideration is deemed denied if, within twenty (20) days from the date the
22 Petition for Reconsideration is filed with the Department, the Department does not either (a), dispose of the
23 petition, or (b), serve Respondent with a written notice specifying the date by which the Department will act on
24 the Petition for Reconsideration.

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1 C. Petition for Stay of Effectiveness of Final Order. The Director's designee has determined not to consider
2 a Petition for Stay of Effectiveness of this Final Order. Any such requests should be made in connection with a
3 Petition for Judicial Review.

4 D. Petition for Judicial Review. Pursuant to RCW 34.05.510 and sections following, Respondent has the
5 right to petition the Superior Court for judicial review of this Final Order.

6 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial Review, service on
7 Respondent is effective upon deposit by the Department of this Final Order via First Class mail with the United
8 States Postal Service, declaration of service attached hereto.

9 DATED this 10th day of August 2017.

10 STATE OF WASHINGTON
11 DEPARTMENT OF FINANCIAL INSTITUTIONS

12 /s/ _____
13 CHARLES E. CLARK
14 Director, Division of Consumer Services

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF DETERMINING ELIGIBILITY
for licensure under the Consumer Loan Act of
Washington and the Mortgage Broker Practices Act of
Washington of:

BENJAMIN REUBEN LESKE,
Mortgage Loan Originator, NMLS #229234,

Respondent.

No. C-17-2183-17-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENT TO ENTER AN
ORDER TO PROHIBIT FROM
INDUSTRY and RECOVER COSTS AND
EXPENSES OF PROSECUTION

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INTRODUCTION

10 Pursuant to RCW 31.04.093, the Director of the Washington State Department of Financial
11 Institutions (Director) is responsible for the administration of chapter 31.04 RCW, the Consumer Loan
12 Act (Act). Pursuant to RCW 19.146.220, the Director is also responsible for the administration of
13 chapter 19.146 RCW, the Mortgage Broker Practices Act (MBPA). Having conducted an investigation
14 pursuant to both the CLA and the MBPA (the Acts), and based upon the facts available as of the date of
15 this Statement of Charges, the Director, through her designee, Division of Consumer Services Director
16 Charles E. Clark, institutes this proceeding and finds as follows:

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I. FACTUAL ALLEGATIONS

19 **1.1 Benjamin Reuben Leske (Respondent)** was licensed by the Washington State Department of
20 Financial Institutions (Department) to conduct business as a Mortgage Loan Originator (MLO) on or
21 about June 22, 2010. Respondent's MLO license expired on or about December 31, 2014.

22 **1.2 Indictment and Conviction for Felony.** On or about January 26, 2017, Respondent was indicted
23 by a federal grand jury for conspiracy to make false statements on loan applications, and to commit bank
24 fraud, felonies in violation of Title 18, United States Code, § 371. In addition, Respondent was indicted
for committing bank fraud, a felony in violation of Title 18, United States Code, § 1344 and § 2.

1 On or about May 15, 2017, a superseding information charging Respondent with one count of
2 making a false statement on a loan application, a felony, was entered by the Department of Justice with
3 the United States District Court for the Western District of Washington (Court). On or about May 19,
4 2017, Respondent pled guilty to the charge in violation of 18 U.S.C. § 1014 and §2, a felony. On or
5 about June 5, 2017, the Court accepted the plea and adjudged Respondent guilty of the offense.

6 **1.3 On-Going Investigation.** The Department’s investigation into this matter is on-going.

7 **II. GROUNDS FOR ENTRY OF ORDER**

8 **2.1 Requirement of No Prior Felony Convictions.** Based on the Factual Allegations set forth in
9 Section I above, Respondent’s felony conviction provides grounds for the Director to enter an order
10 prohibiting Respondent from the mortgage industry.

11 **III. AUTHORITY TO IMPOSE SANCTIONS**

12 **3.1 Authority to Prohibit from the Industry.** Pursuant to RCW 31.04.093(6)(b) of the CLA, and
13 RCW 19.146.220(4)(c) of the MBPA, the Director may issue an order prohibiting from participation in
14 the affairs of any licensee any person subject to licensure under the Acts for the conviction of a felony.

15 **3.2 Authority to Recover Costs and Expenses.** Pursuant to RCW 31.04.205(2) of the CLA, and
16 RCW 19.146.221(2) of the MBPA, the Director may recover the Department’s costs and expenses for
17 prosecuting violations of the Acts.

18 **IV. NOTICE OF INTENT TO ENTER ORDER**

19 Respondent’s failure to meet the MLO licensing requirements of the CLA and MBPA, as set forth
20 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions
21 constitute a basis for the entry of an Order under both the CLA and the MBPA. Therefore, it is the
22 Director’s intent to ORDER that:

23 **4.1** Respondent Benjamin Reuben Leske be prohibited from participation in the conduct of
24 the affairs of any consumer loan company or mortgage broker subject to licensure by the

1 Department, in any manner, until Respondent meets the licensing eligibility requirements
2 of the Consumer Loan Act or the Mortgage Broker Practices Act.

3 **4.2** Respondent Benjamin Reuben Leske pay the Department's costs and expenses for
4 prosecuting violations of the Consumer Loan Act and the Mortgage Broker Practices Act
5 in an amount to be determined at hearing or, in the event of default, by declaration with
6 supporting documentation.

7 **V. AUTHORITY AND PROCEDURE**

8 This Statement of Charges is entered pursuant to the provisions of RCW 31.04.093 of the CLA and
9 RCW 19.146.220 of the MBPA, and is subject to the provisions of the Administrative Procedure Act,
10 Chapter 34.05 RCW. Respondent may make a written request for a hearing as set forth in the NOTICE
11 OF OPPORTUNITY FOR ADJUDICATIVE HEARING AND TO DEFEND accompanying this
12 Statement of Charges.

13 Dated this 19th day of June, 2017.

14 /s/ _____
15 CHARLES E. CLARK
16 Director, Division of Consumer Services
17 Department of Financial Institutions

18 Presented by:

18 Approved by:

19 /s/ _____
20 ANTHONY W. CARTER
21 Senior Legal Examiner
22 Consumer Services Division
23 Department of Financial Institutions

19 /s/ _____
20 STEVEN C. SHERMAN
21 Enforcement Chief
22 Consumer Services Division
23 Department of Financial Institutions